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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) 2:14-CR-052-JAD-(VCF)  
JOSHUA DANIEL SMITH, )  
Defendant. )

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that defendant JOSHUA DANIEL SMITH pled guilty to Count One of a One-Count Criminal Indictment charging him with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds defendant JOSHUA DANIEL SMITH agreed to the forfeiture of the property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Amended Bill of Particulars, ECF No. 41; Change of Plea, ECF No. \_\_; Plea Agreement, ECF No. \_\_.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant JOSHUA DANIEL SMITH pled guilty.

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1       The following assets are any visual depiction described in Title 18, United States Code,  
2 Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any  
3 such visual depiction, which was produced, transported, mailed, shipped or received in violation of  
4 Title 18, United States Code, Section 2252A(a)(2), or any property, real or personal, used or intended  
5 to be used to commit or to promote the commission of a violation of Title 18, United States Code,  
6 Section 2252A(a)(2) or any property traceable to such property;

7           1. One (1) Dell personal computer model HD642JJ, Serial # 7T48ML1;  
8           2. One (1) hard-drive/CD-ROM titled 13-16676 Disc 2;  
9           3. One (1) hard-drive/CD-ROM titled 13-16673 Disc 3; and  
10           4. One (1) hard-drive/CD-ROM titled 13-16673 Disc 5

11 (all of which constitutes "property").

12       This Court finds the United States of America is now entitled to, and should, reduce the  
13 aforementioned property to the possession of the United States of America.

14       NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
15 United States of America should seize the aforementioned property.

16       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
17 JOSHUA DANIEL SMITH in the aforementioned property is forfeited and is vested in the United  
18 States of America and shall be safely held by the United States of America until further order of the  
19 Court.

20       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
21 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
22 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state the  
23 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
24 name and contact information for the government attorney to be served with the petition, pursuant to  
25 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
2 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
3 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the  
4 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and  
5 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's  
6 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's  
7 petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
9 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than  
10 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
11 after the first day of the publication on the official internet government forfeiture site,  
12 [www.forfeiture.gov](http://www.forfeiture.gov).

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
14 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
15 following address at the time of filing:

16 Michael A. Humphreys  
17 Assistant United States Attorney  
18 Daniel D. Hollingsworth  
19 Assistant United States Attorney  
Lloyd D. George United States Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
21 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency

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1 following publication of notice of seizure and intent to administratively forfeit the above-described  
2 property.

3 DATED this 17 day of October, 2015.

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6 UNITED STATES DISTRICT JUDGE

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